

Message

From: Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Sent: 11/3/2016 7:00:39 PM
To: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
Subject: RE: SEP question re health effects as nexus

Yeah, would've. Maybe after I get some endorphins, and shake myself outta this funk, Ex. 5 AC/AWP/DP
Ex. 5 AC/AWP/DP (on the other hand, don't count on any great shakes from lil ol me!)

Caroline Makepeace
Senior Counsel
Cross-Cutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

This may contain enforcement confidential or privileged material. Do not release without appropriate review. If you have received this message in error, please inform the sender, and promptly delete.

From: Fogarty, Johnpc
Sent: Thursday, November 03, 2016 2:54 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Cavalier, Beth <Cavalier.Beth@epa.gov>
Subject: RE: SEP question re health effects as nexus

Ex. 5 AC/AWP/DP

From: Makepeace, Caroline
Sent: Thursday, November 03, 2016 2:46 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Cavalier, Beth <Cavalier.Beth@epa.gov>
Subject: RE: SEP question re health effects as nexus

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP But maybe I'm just tired, in a funk, out of mojo....

Caroline Makepeace
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From: Fogarty, Johnpc
Sent: Thursday, November 03, 2016 12:46 PM
To: Cavalier, Beth <Cavalier.Beth@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: SEP question re health effects as nexus

Ex. 5 AC/AWP/DP

From: Cavalier, Beth

Sent: Wednesday, November 02, 2016 3:27 PM

To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>

Subject: RE: SEP question re health effects as nexus

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 6 Personal Privacy (PP)

From: Fogarty, Johnpc

Sent: Wednesday, November 02, 2016 3:14 PM

To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Cavalier, Beth <Cavalier.Beth@epa.gov>

Subject: RE: SEP question re health effects as nexus

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

From: Fogarty, Johnpc

Sent: Thursday, October 27, 2016 9:46 AM

To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Cavalier, Beth <Cavalier.Beth@epa.gov>

Subject: RE: SEP question re health effects as nexus

Yep - thx!

From: Makepeace, Caroline

Sent: Thursday, October 27, 2016 9:41 AM

To: Cavalier, Beth <Cavalier.Beth@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>

Subject: RE: SEP question re health effects as nexus

Ex. 5 AC/AWP/DP

John see below in yellow, as something to consider:

A. Third-Party Compliance Projects

Activities that are legally required of any party are generally prohibited as SEPs. Under some circumstances, however, an exception may be appropriate, but requires prior Headquarters approval from the appropriate media enforcement division director in OECA (*see* Section XII.A.5). Exceptions to this prohibition have been granted where:

1. The SEP involves a defendant's implementation of an activity that is legally required of residents of a community with environmental justice concerns (*e.g.*, maintaining or establishing connection to a sewer lateral line);
2. The residents are financially unable to comply with the legal requirement; and
3. The SEP provides significant public health and/or environmental benefits.

A specific exception has been made for chemical clean-out projects in schools. Although schools may be required to manage chemicals and hazardous wastes appropriately, many lack the skills and resources to do so. SEPs that identify, remove and properly dispose of hazardous chemicals from schools are acceptable under certain conditions, given their impact on children's health and communities with EJ concerns. Such projects may be acceptable when:

1. The recipient school is a primary or secondary public school;
2. The project provides a one-time identification, removal, and proper disposal of chemicals and/or hazardous wastes; and
3. The project includes a beyond-compliance component, such as establishing a chemical tracking system.

Ex. 5 AC/AWP/DP

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From: Cavalier, Beth
Sent: Thursday, October 27, 2016 9:37 AM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: Re: SEP question re health effects as nexus

Ex. 5 AC/AWP/DP

Beth Cavalier
Analyst
Special Litigation and Projects Division
Office of Civil Enforcement
(202) 564-3271

From: Fogarty, Johnpc
Sent: Thursday, October 27, 2016 9:23 AM
To: Makepeace, Caroline; Cavalier, Beth
Subject: RE: SEP question re health effects as nexus

Ex. 5 AC/AWP/DP

From: Makepeace, Caroline
Sent: Thursday, October 27, 2016 9:14 AM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Cavalier, Beth <Cavalier.Beth@epa.gov>
Subject: RE: SEP question re health effects as nexus

Ex. 5 AC/AWP/DP

Caroline Makepeace
Senior Counsel
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From: Fogarty, Johnpc
Sent: Thursday, October 27, 2016 8:55 AM
To: Cavalier, Beth <Cavalier.Beth@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: SEP question re health effects as nexus

Ex. 5 AC/AWP/DP

From: Cavalier, Beth
Sent: Thursday, October 27, 2016 7:32 AM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: Re: SEP question re health effects as nexus

Ex. 5 AC/AWP/DP

Is there a proposal on the table from Whole Foods?

Ex. 5 AC/AWP/DP

Beth Cavalier
Analyst

Special Litigation and Projects Division
Office of Civil Enforcement
(202) 564-3271

From: Makepeace, Caroline
Sent: Wednesday, October 26, 2016 6:13 PM
To: Fogarty, Johnpc; Cavalier, Beth
Cc: Beth Cavalier (Renegadway@aol.com)
Subject: RE: SEP question re health effects as nexus

Ex. 5 AC/AWP/DP

Caroline Makepeace
Senior Counsel
Cross-Cutting Policy Staff
Office of Civil Enforcement
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-----Original Message-----

From: Fogarty, Johnpc
Sent: Wednesday, October 26, 2016 5:46 PM
To: Cavalier, Beth <Cavalier.Beth@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: SEP question re health effects as nexus

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP